

IN THE MATTER OF	*	BEFORE THE
JASMINE SMITH, PHARM TECH	*	STATE BOARD
Registration No.: T13015	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-16-004

* * * * *

**FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION**

On December 21, 2016, the State Board of Pharmacy (the "Board"), notified **JASMINE SMITH**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

(c) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation;
and
- (ii) an opportunity to be heard.

H.O. § 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (3) Fraudulently uses a pharmacy technician's registration;
- (8) Willfully fails to file or record any report that is required by law;
- (25) Violates any regulation adopted by the Board [;].

The Board further charges the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, Code Md. Regs. tit. 10.34.10 (2001):

§.01. Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on July 19, 2013. The Respondent's registration expired on September 30, 2016.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Harford County, Maryland, hereinafter "Pharmacy A."

3. On or about August 26, 2015, the Board received a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" notice from Pharmacy A indicating the following:

- A. Pharmacy A listed the following drugs as missing/stolen:
- | | |
|---------------------------------|------------|
| Lorazepam ¹ , 0.5 mg | 5 tablets |
| Alprazolam ² , 1 mg | 88 tablets |
| Alprazolam, 2 mg | 20 tablets |
- B. Pharmacy A indicated that the purchase value was \$1;
- C. Pharmacy A further indicated that the loss/theft was due to employee pilferage and that the associate stole a few tablets at a time;

4. Furthermore, the Board also received information that, on August 8, 2015, Pharmacy A's Asset Coordinator was notified by Pharmacy A's Manager that a customer was missing pills from her prescription. The Asset Coordinator reported to Pharmacy A the next day and reviewed video footage which revealed that the Respondent had likely taken the pills based on the actions in the video.

5. The Respondent originally stated to Pharmacy A officials that she had recovered the pills from the trash. When further interviewed, the Respondent admitted, in writing and orally, that she had taken the pills from the prescription and was going to keep them but got scared. She stated that she had, in fact, in the past month taken pills from the pharmacy.

6. As a result, the Respondent was terminated from employment with Pharmacy A.

¹Lorazepam treats anxiety, anxiety with depression, and insomnia (trouble sleeping). This medicine is a benzodiazepine.

²Alprazolam treats anxiety and panic disorder.

7. Based upon the above, on November 9, 2015, the Board issued a Summary Suspension against the Respondent's registration. The Respondent failed to request a hearing.

8. The Respondent's conduct as described above, constitutes a violation of H.O. §12-6B-09 (3), (8) and (25), and COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 (3), (8) and (25), and COMAR 10.34.10.01 B (3) of its Act.


ORDER

As set forth above, the Board hereby Orders that the registration to practice as a Pharmacy Technician in Maryland held by **JASMINE SMITH**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and the S.G. §§10-201, *et seq.* you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the *aforecited* authority.

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2/17/2017
Date *MCC*


Mitra Gavvani, Pharm.D., President
State Board of Pharmacy